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CELANESE AMERICAS RETIREMENT
PLANS SERVICE CENTER; et al.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ROBERT SQUIRES, SR.

Plaintiff,

vs.

CELANESE AMERICAS RETIREMENT
PLANS SERVICE CENTER, CELANESE
AMERICAS CORPORATION, and
CELANESE AMERICAS CORPORATION
RETIREMENT PENSION PLAN,

Defendants.

) No. C07-03325 WHA
)
) **[PROPOSED] ORDER GRANTING**
) **MOTION TO DISMISS PURSUANT TO**
) **F.R.C.P. Rule 12(b)(6) AND CONSENT**
) **OF PLAINTIFF.**

) Date: August 16, 2007
) Time: 8:00 a.m.
) Ctrm.: 9, 19th Floor

)
) Hon. William H. Alsup
) U.S. District Court Judge

ORDER

Defendants, Celanese Americas Retirement Plans Service Center (“Service Center”),
Celanese Americas Corporation (“Celanese”), and the Celanese Americas Corporation Retirement
Pension Plan (“Plan”) (collectively “Defendants”), moved the Court to dismiss the pending action

1 pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that Plaintiff had failed
2 to exhaust his administrative remedies under the ERISA plan at issue. By a document served on August
3 10, 2007, plaintiff Robert Squires concurred in the motion to dismiss.

4 Therefore, based upon the moving papers and plaintiff's concurrence, and for good cause
5 appearing, the Court finds that Plaintiff has failed to exhaust his administrative remedies under the
6 ERISA plan that is at issue. Accordingly, Plaintiff's claim is hereby dismissed.

7 **SO ORDERED.**

8 DATED: _____.

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10 _____
HON. WILLIAM H. ALSUP
U.S. District Court Judge
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